

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SUSAN DOOLING, on behalf of herself  
and all others similarly situated,

Plaintiffs,

v.

BANK OF THE WEST, and  
GSB MORTGAGE, INC.,

Defendants.

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No. 4:11-cv-00576

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

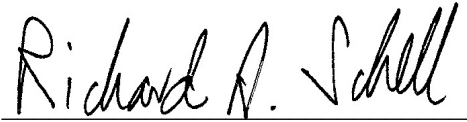
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 26, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Conditionally Certify a Collective Action and to Issue Notice (Dkt. 15) be DENIED and that Defendants' Motion to Dismiss Plaintiff's Individual and Collective Action FLSA Claims Under Federal Rule of Civil Procedure 12(b)(1) (Dkt. 34) be DENIED as premature and without prejudice to refiling.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiff's Motion to Conditionally Certify a Collective Action and to Issue

Notice (Dkt. 15) is DENIED and Defendants' Motion to Dismiss Plaintiff's Individual and Collective Action FLSA Claims Under Federal Rule of Civil Procedure 12(b)(1) (Dkt. 34) is DENIED as premature and without prejudice to refiling.

**IT IS SO ORDERED.**

**SIGNED this the 17th day of July, 2012.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE